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## THE SOCIAL STATUS OF WOMAN IN THE OLD TESTAMENT

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In consideration of the present movement of woman for equality and for freedom to work out her destiny in life, and in consideration of the fact that every serious movement finds its explanation in its historic connection with earlier forms of social life, it is fitting that the race whose customs are best known to us through our sacred books should yield some insight into the social and religious relations of the women of the Old Testament. The great contrast between the woman of the present day and her of primitive times lies in the increasingly direct and immediate relationship borne to the community itself. The great public service of woman in the spread of education among the masses, her influence in literature and art, and the larger civic interests for which higher education has trained her, together with her industrial exploitation on the one hand and the increased duration and extension of the care of the child on the other hand, have changed the status of woman from that of an unfree subject to that of membership in the community with rights and duties all her own. In early society, woman was always in a state of dependence. Even in the stage of development of family life known as mother-right, when the man leaves his home and goes to live with his wife in the house of her father, marital power in the husband is not wholly lacking. It is only impaired by the presence of the woman's kinsfolk.<sup>1</sup> Woman in the Old Testament is subject to the "Chinese rule of the three obediences. When young she must obey her father; when married, she must obey her husband; and when her husband is dead, she must obey her son."<sup>2</sup> The subserviency of Leah and Rachel to their father Laban, of Sarah to the will of Abraham in Egypt, of Rebekah to her brother Laban and later to Isaac, her husband, in

<sup>1</sup> Westermarck, *The Origin and Development of the Moral Ideas* p. 656.

<sup>2</sup> *Ibid.*, p. 647.

Gerar, are only illustrations of the position of the ordinary woman in Israel. Whenever the sphere of woman's actions seems to point to dominance in community affairs, it betokens liberties taken by the woman of intelligence and strong personality rather than privileges granted her by custom. Deborah, Jezebel, Jael, Huldah are the exceptional women in Israel, commensurate in character to Jeanne d'Arc, Madame Curié, and Jane Addams.

Man's general relation to the group, then, has been much the same at all epochs, the change having taken place chiefly in the extent and character of the group to which the individual appeals. But woman has come out of a status where she was the property of man, rated with his ox and his ass, into a position where she demands consideration as an end in herself, even to the control of industrial and social conditions fostering the modern factory and the so-called white-slave trade. Now, whatever theoretical and idealistic losses may have come to woman in this changed relation to the group, it is fair to say that she has emerged as a "personality," whose full and free reaction to the groupal life will have awakened new ambitions and new inner strivings. While, then, a modern woman is free to react according to the increased extent and complexity of the general life, the woman of the Old Testament was limited, so far as the sphere of her action is concerned, to a group within a group. If, then, the woman of the Old Testament is to be sympathetically understood, we must learn something of her personal relations, we must enter the home as an intelligent observer of its changing form.

Now, in the study of an institution such as marriage, the type characteristic of the lowest people is often regarded as primitive and an invariable order of evolution is established through which every people is supposed to have passed. This would explain survivals of custom as survivals of a perfectly developed type rather than illustrations, sometimes, of arrested development checked by a strong evolutionary tendency in another direction. In the study of the institution of marriage, for example, matronymy is supposed to have preceded patronymy among all peoples: the reckoning of descent from the mother being regarded as a survival of mother-right. In the more careful study of separate peoples carried forward by the anthropologists, matronymy is found to be dependent upon certain

social and economic processes not characteristic of all peoples. "The reckoning of descent through the mother may be due to a desire to preclude marriage with the mother's kindred . . . if the father had many wives simultaneously or successively."<sup>3</sup> Or it may be "due to the apparently closer physiological relation between the mother and child and a convenience in polygamy; in case of separation, infants and even older children following the mother."<sup>4</sup> Fortunately for us, the types of marriage are strewn over our general field in disarray too great for dogmatization. For "nowhere else is a bald statement of a law so likely to mislead as to actual practice or living sentiment." We seek in this little study, to recover the concrete situation in the home of Israel, in an endeavor to reach the woman, her duties, her rights, her desires. More particularly would we ask, along what lines did she seek the fuller expression of her social self; what gave her the sense of achievement in life; what actual results were esteemed valuable by objective standards?<sup>5</sup>

The most important relation of woman in early society was that of wife. It is evident from the Genesis-stories that more than one woman in the home was dignified with the name. When there is a difference in status, the inferior wife is known as concubine. Jacob married sisters, equal in rank in Jacob's tent. The inferiority of the concubines lay in the fact that a bride-price was paid by Jacob for Leah and Rachel (Gen. 31:15) while Zilpah and Bilhah were slaves otherwise acquired (Gen. 29: 24, 29). The first place might be accorded her who had borne the first son. This was the cause of the insubordination of Hagar to the chief wife Sarah (Gen. 16:4), Hagar being the slave of Sarah, presented by Sarah herself, to the head of the household. Such was the custom of the childless wife, the son of the slave being adopted as her own (16:2, cf. 30:6). In Babylonia, the law of Hammurabi maintained the supremacy of the chief wife; the children might be acknowledged by the father (§§ 144 ff., 170). It is not clear from our story whether Hagar was thought of as a slave or secondary wife at her expulsion. Perhaps among a people where the free daughter sold as a bond-woman

<sup>3</sup> Cunow.

<sup>4</sup> Westermarck.

<sup>5</sup> James H. Tufts, "Psychology of the Family," *Psychological Bulletin*, No. 4, pp. 371-74.

usually became a concubine, the distinction between the two is very slight (Exod. 21:7-11).

All the sons inherit from the father, the status of the mother having slight influence upon legitimacy; the first-born receives a double portion and the headship of the family. In the earlier story of Sarah and Hagar the strife concerned the status of the wife (J, Gen., chap. 16); in the later account it centers about the rank of the sons (E, Gen., chap. 21). That such a situation was of frequent occurrence in the Beduin tent and was rich in emotional interest is shown by the narratives surviving in Hebrew literature which play about the problems and emotions of sex in a polygamous household. Sarah has a dramatic interest for the group gathered about the story-teller as opposed to that of Hagar for the modern.<sup>6</sup>

In the case of two or more wives of the first rank, popular opinion rated a man child as the compensatory gift made by Yahwe to the less attractive wife. It is so in the case of Leah (Gen. 29:31-35) and it was so with Peninnah (I Sam. 1:5); even Jacob voices this sentiment to Rachel (Gen. 30:2). So sharply defined did the situation become that the later law (P) forbade the marriage of sisters (Lev. 18:18), and a wise man enumerated among the things difficult to bear "the odious woman when she is married and the handmaid that is heir to her mistress" (Prov. 30:23). When it threatened the primogeniture of the firstborn, it was caught up by the law (Deut. 21:15-17), the original situation of the two wives, the number in the household of the ordinary Israelite, persisting; the one beloved, the other hated, the less attractive having borne the first son. The keenness of the rivalry in our stories is shown by the desperate character of the means employed. Sarah used the customary method of adoption (J, Gen. 16:2); Rachel, outwitted by Leah in this device, practiced magic charms with love apples<sup>7</sup> (Gen. 30:14, 15); Hannah pours out her soul in prayer to Yahwe, vowing her son to his service (I Sam. 1:10-16).

Evidently, the domestic status of a woman is wrapped up with child-bearing. If we seek the physiological reason for this, it lies in the fact that "the ability to leave progeny is one of the success-

<sup>6</sup> See Gunkel, *Commentary on Genesis*, Introduction.

<sup>7</sup> *Ibid.*

winning characters in the struggle of natural selection."<sup>8</sup> The social reason is found in the origin of the family, as John Fiske has shown, to answer the need of the child during the prolonged period of infancy. In Israel the influence of a man was measured by the numbers in his family rather than by riches in cattle or land. Children are evidence of luck in life; a childless man has little value for his group, and in death he loses a mysterious good, assured him in the performance by his son of certain ancestral rites (II Sam. 18:18). These conditions, physiological, social, and religious create an objective standard for a woman enforced by public recognition. This standard is sanctioned by "that identity of interest between a man and his wife, evolved by life together in the home."<sup>9</sup> Motherhood is also a tie stronger than that of youth or beauty, binding the husband to his wife, and a son is popularly regarded as a refuge against the hopeless misery of widowhood. Thus the welfare of the Israelite woman is indissolubly bound up with that of the child. It is the pressure of the *whole* of life which finds voice in Rachel's agonized cry: "Give me children or I die."

Legally the wife was the property of her husband. He was her Baal, master, or owner (Exod. 21:3, 22; Prov. 31:11); she was his Be'ulah, or chattel (Gen. 20:3 [E]; Deut. 22:22; Isa. 54:1; 62:4). In the law, she is listed with his ox and ass (Exod. 20:17; cf. Deut. 5:21), ranked after his children (Deut. 29:11), and dropped altogether from the family list, where her personality is completely merged into that of her husband (Deut. 12:12; Num. 18:11, 19). As chattel, she may be surrendered for the protection of a guest (Judg., chap. 19), be made to serve the commercial advantage of her owner (Gen. 12:13, 15, 16; 20:2 ff.), be disposed of with the ancestral estates (Ruth 4:3-5), be brutally punished (Gen. 38:24; Lev. 21:9), or be expelled at will from the home (Deut. 24:1). Injury to her person was rated as damage to property, compensation for which was accepted by the male in authority over her (Exod. 21:22; Deut. 22:19).

Acquired through the payment of a *mohar*- or bride-price, the legal valuation of a woman was 50 shekels (about \$20), 20 shekels more than the valuation of a slave, about one-half that of a man

<sup>8</sup> E. C. Parsons, *The Family*.

<sup>9</sup> J. H. Tufts, *op. cit.*

(Deut. 22:29; Exod. 21:32; Lev. 27:1-7). Plurality of wives was a sign of wealth and social distinction, especially that of royalty. Monogamy, on the other hand, was the badge of poverty. The patriarchs were chiefly bigamists: Gideon had many wives, David increased the number of his with his advancement in political power, Solomon had 700 wives, princesses, and 300 concubines. Rehoboam, Abijah, Zedekiah had both wives and concubines, and the "palace-women" of Hezekiah are cited in the list of booty taken by Sennacherib from Jerusalem.

Not only does the law permit polygamy (Deut. 21:10 ff., 15-17), the Song of Songs celebrates it (6:8), the prophetic literature makes use of it as a symbol in ascribing two wives to Yahwe, Israel and Judah (Ezek., chap. 23), and the Wisdom literature reveals its existence (Ecclesiasticus 26:6; 37:11; Prov. 30:23). The slight inequality among the wives of the same household in Israel indicates the manner of the transition made in Babylonia from polygamy to monogamy. The Babylonian is a monogamist in the sense that a higher position is granted the first wife and her children, and that the children of the secondary wife are discriminated against in the matter of inheritance. The law also limits the husband's right to a second marriage without the consent of the first wife to cases of barrenness only. Israel never *realized* monogamy throughout the entire period covered by the Old Testament (see II Macc. 3:19 f.; III Macc. 1:18), although it must have been the most common form of marriage among the poor. The background of Gen. 2:18, 24 is father-right versus mother-right, rather than monogamy versus polygamy.

The man alone had the right of divorce. This is partly due to the commercial form of marriage, whereby the woman belongs absolutely to the man. Her economic value is his; her love and fidelity are his due. On the other hand, the man is legally held only to "her food, her raiment, and her duty of marriage" (Exod. 21:10). Infidelity is an attack upon property-rights, punishable, like robbery, by death (II Sam. 12:5; Gen 44:9; Deut. 22:22-27; Lev. 20:10). Since the woman is the possessed and not the possessor, her personal grievances never enter into the situation excepting when the influence of her family is exerted in her behalf (II Sam., chap. 13). It becomes a less serious wrong to violate an unbetrothed than a betrothed maiden

(Deut. 22:28; Exod. 22:16). While a man is not answerable to his wife, the wife herself is held to the strictest account (Deut. 22:20; Gen. 38:24; Lev. 20:10; Ezek. 16:38-40; 23:45-47; Num. 5:12 ff.). In this conception of the wife as property begins that double standard of morality which is the bane of the modern family. Divorce was not, however, limited to one cause in Israel. The ground of divorce is rather vaguely defined as "some unseemly thing" in the wife (Deut. 24:1), being a term about as general as the modern "incompatibility of temper," only the advantage in Israel lay wholly with the man. "Divorce is shared in equally by the wife only in very primitive or in highly advanced communities, where the idea of marital proprietorship has either not arisen or has disappeared."<sup>10</sup> Practically, divorce was so frequent that it became one of the evils attacked by the prophets (Mal. 2:14 f.; Isa. 54:6 f.) and by Jesus the Christ, who does away with the old law through the enunciation of a new one (Matt. 5:31, 32). As far as the position of woman is concerned, there is little choice between a lax polygamy and a brittle monogamy. Polygamy is undoubtedly more advantageous for the child than an unstable monogamy, yet it involves less parental care than an enduring form of monogamy.

The subjection of woman to the man during this period is due less to the weakness of the woman than to the mastery of the man over life. The predatory life, so long experienced in Arabia, the warfare characteristic of the settlement in Canaan, created in the man an attitude of mastery toward life and toward that group more closely associated with himself in the family. The Samsons of that day were not all content that the wife should dwell among her own people (Judg. 14:10, 11; 15:1); cases of marriage by capture occur (Judg. 5:30; 21:12, 20 ff.; Deut. 20:14; 21:10-14) when the woman passes into the possession of her husband, the children taking descent from the father.

This natural desire of the husband for the full possession of his wife and children was increased by their economic value as cheap labor and as objects of barter (Exod. 21:7; Gen. 29:20, 27; Josh. 15:16, 17; I Sam. 18:25). Thus the woman leaves her own kin and *cultus* to enter the kin and *cultus* of her husband (Ruth 1:16), the

<sup>10</sup> E. C. Parsons, *The Family*, p. 143.



children gain a father, the family gains strength and unity, all at the cost of the greater subjection of the woman. The authority of the patriarch over the compound family, pictured at the beginning of Hebrew history, is strengthened by special economic, juridical, and religious ties. Responsible for the offenses of any one member, the patriarch becomes both lawgiver and executioner. It is in an effort to soften the severity of his rule that a family law was codified in Deuteronomy. A bill of divorcement is required from the husband (Deut. 24:1-4), and remarriage after the woman has again been divorced is forbidden (cf. II Sam. 3:14; Hosea, chaps. 2, 3; Isa. 54:6 f.; Jer. 3:1, 8-14). The accusation of a jealous husband against his wife is brought before the judges, failure to substantiate the charge being punished by flogging, by a fine, and by deprivation of the right of divorce (Deut. 22:13-19). The rights of the hated wife and her son are protected (Deut. 21:15-17), the captive is allowed time for adjustment to her new life and freedom in case of the dissatisfaction of her husband (Deut. 21:10-14). The violation of the unbetrothed girl shall be atoned for by marriage without the right of divorce, the bride-price being paid to the father (22:28, 29). Compare with this the law in Exod. 22:16, 17, which gives to the father the right to decide whether there shall be a marriage. In the case of the rebellious son, the mother appears with the father before the judges (Deut. 21:19), probably in order that the mother may serve as the second witness to prove the charge (Deut. 19:15). If this be so, it is the only case in which a woman qualifies as a witness in court. Provision is made also for the abrogation of the levirate at the desire of the man and not that of the woman (Deut. 25:5-10). The divorced wife returns to her father's or brother's house with no legal provision for support by the husband, as shown in the Babylonian law, where the bride-price is returned and, in case of children, the portion of a son (§§137, 138, 142, 149). In Numbers the ordeal for the suspected wife is revived (5:12-31), and the will of the husband or father in the matter of the woman's vow is made supreme (Num. 30:3-15). The priestly-code restricts the relations within which marriage is possible (Lev., chap. 20), punishes with fire the sin of the daughter of a priest, and disqualifies the divorcée for marriage into the priestly-circle. In only one particular is greater freedom shown

the divorcée and widow: she may unrestrictedly bind her soul in vowing (Num. 30:9).

As a result of the prevalence of a lax polygamy and an unstable monogamy, and because many women would find it increasingly difficult to re-enter the marriage relationship, it is evident that a floating body of unattached women existed in Israel, camped about the threshold of their male relatives, given over to want and to the play of all the lawless forces in the community.<sup>11</sup> The appeal made by their condition meets a response in the sympathetic wail of the prophets and the poets: Deut. 10:18; 14:29; Job 22:9; 24:3; 31:16; Ps. 94:6; Isa. 1:17, 23; 10:1 ff.; Jer. 7:6; Ezek. 22:7; Zech. 7:10; Mal. 3:5; Ecclesiasticus 35:14 f.).

Barren and unattractive as such a career seems to a modern woman, it was ameliorated in practice by the play of human interests and emotions flooding all the interstices of the law. The love shown by Jacob for Rachel approaches very near the romantic type. The sympathy expressed by Elkanah in his efforts to make up to Hannah for the lack of a son is beautifully pathetic: "Hannah, why weepest thou? and why eatest thou not? and why is thy heart grieved? am not I better to thee than ten sons?" (I Sam. 1:8). The Israelite marriage, indeed, furnished the substance for that idealization of the relationship recorded in the prophetic conception of Yahwe's marriage to Israel. Prophecy teems with the tenderest appeals made on the ground of this relationship which is only possible when the refinement of marriage has begun.

That a mother received equal honor with the father is disclosed in the Law (Exod. 20:12; 21:15, 17; Deut. 27:16; Lev. 18:7; 20:9; cf. Ezek. 22:7) and by the aphorisms of the sage (Prov. 1:8; 4:3; 23:22; 29:15; 30:17). Jacob is cited as a son obedient to both father and mother (Gen. 28:7 [P]); Rahab contracted for the safety of both parents (Josh. 2:13, 18); the mother is of equal authority with the father in the story of Samson (Judg., chap. 14, esp. vs. 16); David had consideration for his mother as well as his father (I Sam. 22:3); the aged Barzillai desires burial by the side of his father and mother (II Sam. 19:37), and Elisha and Ruth leave father and mother, the one to follow the prophet (I Kings 19:20), the other to follow her husband's

<sup>11</sup> Barton, *Sketch of Semitic Origins*, p. 45.

mother. (Ruth 2:11; cf. Gen. 2:24). Both the Proverbs and Psalms bind the father and mother together in the relation to the child (Prov. 10:1; 15:20; 17:25; 19:26; 23:25; 28:24; 30:11; Ps. 27:10; 109:14). Lemuel is taught by his mother (Prov. 31:1); Solomon shows great honor to Bathsheba (I Kings 2:19; cf. 1:16); Deborah received the honorable title of a "mother in Israel;" the Psalmist calls himself "a servant of Yahwe, the son of thine handmaid" (Ps. 86:16; 116:16).<sup>12</sup> Thus woman is gradually coming into her own through the welfare of the child as, indeed, one line of influence in modern civilization has demonstrated.

A second way to independence lies through labor. In this field, a woman's activities have free play. Anthropologists tell us that all the domestic arts, all those lines of work now controlled by man and organized into trades, began in the skilled work of the woman. In Israel, also, she contributed to the temple by spinning cloth, linen, and goat's hair (Exod 35:25). Her economic cleverness is extolled in the eulogy of Prov. 31:16-18, and her value is indirectly recognized by the Talmudist who differentiates among wives, as the beautiful, the well born, and those skilled in domestic arts. Incapacitated for herdsman duty by her ritualistic uncleanness, she shepherds the flocks and waters them at the public well (Gen. 29:9; Exod. 2:16 ff.), she gleans in the harvest fields (Ruth 2:8, 22 f.), and she shares in the perils and the joys of war (Exod. 15:20; I Sam. 18:6; Judg. 4:8-9, 18 f.).

The economic valuation of women was also influenced by that type of marriage known as matronymic, when the woman dwells with her own kin, the children taking descent from her. Certain survivals of mother-right in the Old Testament indicate the existence of such a type of marriage among the Israelites. That this was ever the predominating form is open to question. There is evidence to show that an excess in the number of men, due to the practice of infanticide, and the cultivation of a rude nomadic agriculture, especially that of the date palm, were conducive to polyandry and to the greater influence of the mother. The presence of warfare, on the other hand, and the life of the herdsman were conducive to polygamy

<sup>12</sup> See Dr. Max Löhr, *Die Stellung des Weibes zu Yahwe-Religion und Kult* p. 35.

and to the system of male kinship.<sup>13</sup> Both forces were at work in primitive times among the Semites. Yet Israel's emergence into history is marked by the dominance of the father as head of the family, strengthened by judicial and religious bonds.

The pre-eminence given woman in matronymy reacted, however, upon her position as mother and her economic value in patronymy.

If, then, the ordinary woman of the Old Testament would be something more than the spoiled beauty of fortune, satirized by the prophet (Isa., chap. 3), she must find her career as a mother or in contributing something of real value to the home through her labor. Public recognition of her services was not wholly lacking, when it found utterance in the words of the Wise Man: "House and riches are an inheritance from fathers: but a prudent wife is from the Lord."

<sup>13</sup> Barton, *op. cit.*, pp. 71 ff.